

The Gazette of India

EXTRAORDINARY PART II—Section 3 PUBLISHED BY AUTHORITY

No. 311] NEW DELHI, THURSDAY, OCTOBER 25, 1956

GOVERNMENT OF AJMER

(Labour Department)

NOTIFICATION

Ajmer, the 22nd October 1956

S.R.O. 2472.—In exercise of the powers conferred by section 42 of the Ajmer Shops and Commercial Establishments Act, 1956, (IV of 1956) the Chief Commissioner, Ajmer makes the following rules for carrying out the purposes of the said Act, the same having been previously published at pages 412—417 of the Gazette of India, Part III, Section 3, dated the 1st Sept., 1956.

RULES

1. Short Title.—These rules may be called the Ajmer Shops and Commercial Establishments Rules, 1956.

2. Definitions.—In these rules, unless the context otherwise requires:

- (a) "Act" means the Ajmer Shops and Commercial Establishments Act, 1956;
- (b) "Form" means a form appended to these rules;
- (c) "Government" means the Government of Ajmer;
- (d) "Inspector concerned" in relation to a Shop or Commercial Establishment means an Inspector for the area within which the Shops or Commercial Establishment is situated.
- (e) "Section" means a section of the Act;
- (f) Words and expression used in the Act and not defined in these rules shall have the meanings assigned to them in the Act.

3. Application for registration and grant of registration certificate.—The employer of every establishment shall submit to the Inspector concerned an application in the prescribed Form No. 1 for the registration of the establishment and grant of registration certificate.

4. Manner of registering Establishment and form of registration certificate.—

(1) On receipt of the application and fees prescribed in sub-rule (2) the Inspector shall, on being satisfied about the correctness of the statement, register the establishment in appropriate part of the Register of Establishment in Form '2' and shall issue a registration certificate in Form '3' to the employer of the Establishment.

(2) Every certificate granted or renewed under this Chapter shall remain in force upto the 31st day of December of the year for which the certificate is granted or renewed.

Fees prescribed

Maximum No. of workers to be employed on any day during the year.

Fees	
Below 10	.. Rs. 2/-
Above 10	.. Rs. 5/-

5. Amendment of Certificate.—(1) A certificate granted under Rule 4 may be amended by the Inspector.

(2) A certificate holder who may desire amendment in his certificate shall submit it to the Inspector with an application in Form '4':

Provided that it shall be obligatory on the certificate holder to get the certificate amended before exceeding limits specified in regard to the number of persons employed. (The fee of the amendment shall be the difference in amount, if any between the fee already paid and the fee that would have been payable if the certificate had originally been issued in the amended form)

6. Renewal of certificate.—(1) A certificate may be renewed by the Inspector.

(2) Every application for the renewal of a certificate shall be in Form '5' and shall be made by the Certificate holder not less than two months before the date on which the certificate expires, and if the application is so made, the premises shall be held to be duly certified until such date as the Inspector renews the certificate.

(3) The same fee shall be charged for the renewal of a certificate as for the grant thereof.

Provided that if the application for renewal is not received within the time specified in sub-rule (2) the certificate shall be renewed only on payment of a fee of Rs. 1/-/- in excess of the fee ordinarily chargeable for the certificate.

7. Transfer of certificate.—(1) The holder of a certificate may, at any time, before the expiry of the certificate, apply for permission to transfer his certificate to another person.

(2) Such application shall be made to the Inspector, who shall, if he approves of the transfer, enter upon the certificate, under his signature, an endorsement to the effect that the certificate has been transferred to the person named.

(3) A fee of one rupee shall be charged on each such application.

8. Procedure on death or disability of certificate holder.—If the holder of the certificate dies or becomes insolvent, the person carrying on the business of such certificate holder shall not be liable to any penalty under the Act for exercising the powers granted to the certificate holder by the certificate during the period of 60 days to enable him to make an application for the amendment of the certificate under Rule 6 in his own name for the unexpired portion of the original certificate.

9. Loss of certificate.—Where a certificate granted under these Rules is lost or accidentally destroyed, a duplicate may be granted on payment of a fee of rupee one.

10. Payment of fees.—(1) Every application under these rules shall be accompanied by a treasury receipt showing that the appropriate fee has been paid into the local treasury under the Head "Account XXXVI Miscellaneous Department Miscellaneous—Miscellaneous Fees—for the registration of shops and establishments."

(2) If an application for the grant, renewal or amendment of a certificate is rejected, the fee paid shall be refunded to the applicant.

11. Daily and Weekly hours.—A person employed in an establishment may be allowed to work for more than 54 hours in any week in times of emergencies which could not have been prevented or foreseen by the employer and which interfere with the normal working of the establishment or in times when serious material damage is caused to the establishment by occurrences such as fire or earthquake.

12. Enquiry by Government before passing orders fixing opening and closing hours of shops.—(1) The Government shall make enquiry under sub-section (2) of section 11 in the manner prescribed in this rule.

(2) Before passing an order under sub-section (1) of section 11, the Government shall give notice of its intention to pass such an order. The notice shall be in Form '6' and shall, unless a copy of the order proposed to be passed is annexed to it, specify the area and the shop or shops or class or classes of shops to which the order shall apply, the hours of opening or the hours of closing, or both, which are proposed to be fixed. The notice shall also state that objections and suggestions with respect to such orders, if any, may be sent to the officer mentioned in the notice within one month from the date of such notice.

(3) The copies of the notice shall be affixed at such public places in the area to which the order is proposed to be applied as the Government may deem fit. Copies of the notice shall be sent to the Local Authority in whose jurisdiction such area is situated and to such associations, trade unions or other organisations as Government may deem fit. The notice shall also be published in not less than one newspaper having circulation in such area.

(4) The Government shall consider all objections and suggestions received under sub-rule (2) before passing the order under sub-section (1) of section 11.

13. The notices required under sub-section (1) of section 12 shall be in Form '7'.

14. Leave with wages register.—(1) The employer shall keep a Register in Form '8' hereinafter called the Leave with Wages Register.

(2) The Leave with Wages Register shall be preserved for a period of three years after the last entry in it and shall be produced before the Inspector on demand.

15. Leave Book.—(1) The employer shall provide each worker with a book in Form (9) (hereinafter called the Leave Book). The Leave Book shall be the property of the worker and the Employer or his agent shall not demand it except to make entries of the dates of holidays or interruptions in service, and shall not keep it for more than a week at a time.

(2) If a worker loses his leave Book, the employer shall provide him with another copy on the payment of one anna and shall complete it from his record.

16. Medical Certificate.—If any worker is absent from work and it appears that his absence is due to illness, he shall, if so required by his employer by a notice in writing, submit a medical certificate signed by a registered medical practitioner or by a registered or recognised Vaid or Hakim stating the cause of the absence and the period for which the worker is in the opinion of such medical practitioner, Vaid or Hakim unable to attend his work.

17. Casual Leave.—(1) Every application from an employee for casual leave under Section 15 shall be submitted in writing. The employer shall record his orders on all such applications and shall retain them till the end of the next calendar year.

(2) An employer may refuse an application for casual leave from an employee on grounds of exceptional pressure of work requiring his attendance on the day or days in respect of which casual leave has been asked for:

Provided that leave shall not be refused where it has been asked for an account of accident, causing physical injury to the employee, death in the family or sickness of the employee, his wife or child.

(3) Where an application for casual leave is refused by an employer under clause (2) above, the employer shall record his reasons for refusal on the application and shall grant equivalent leave on demand by the employee in the same calendar year.

(4) Any casual leave not applied for by an employee during a calendar year shall lapse.

18. The provisions of the Payment of Wages Act, 1936 and rules made thereunder shall apply to shops and commercial establishments to which the Act applies except that the Muster Roll shall be in forms 11 and 12 as the case may be.

19. Right to payment of maternity benefit.—(1) Every woman employed in an establishment shall be entitled to the payment of maternity benefit at the rate of twelve annas a day for the actual days of her absence for the period immediately preceeding her confinement and for the six weeks immediately following her confinement as mentioned in Section, 27.

(2) If a woman dies during the period of maternity, the maternity benefit shall be payable only for the days up to and including the day of her death.

20. Procedure regarding payment of maternity benefit.—(1) Any woman employed in an establishment and entitled to maternity benefit under the provisions of this Act who is pregnant may, on any day, give notice in writing or orally to her employer stating that she expects to be confined within six weeks next following, but her maternity benefit may be paid to her, and that she will not work in any employment during the period for which she receives maternity benefit.

(2) The employer shall thereupon permit such woman to absent herself from the establishment from the following day until six weeks after the day of her delivery.

(3) Maternity benefit shall be paid by the employer to the woman entitled there to after taking her wishes into consideration in any one of the following three ways:—

- (i) for six weeks within fortyeight hours of the production of a certificate signed by a registered medical practitioner certifying that the woman is expected to be confined within six weeks next following, and for the remainder of the total period for which she is entitled to maternity benefit under Section 27 within fortyeight hours of the production of a certificate extract from a birth register stating that the woman has given birth to a child; or
- (ii) for the entire period for which the woman is entitled maternity benefit under Section 27 within forty-eight hours of the production within six weeks of her delivery of a certified extract from birth register stating that she has given birth to a child;

Provided that no woman shall be entitled to any maternity benefit or any part thereof the payment of which is dependant upon the production of a certified extract from a birth register under the provisions of this unless such extract has been produced within six months of the day of her delivery.

21. Payment of maternity benefit in case of woman's death.—If a woman entitled to maternity benefit under this Act dies during the period for which she is entitled to maternity benefit the employer shall pay the amount of maternity benefit due if the newly born child survive her, to the person who undertakes the care of the child, and if the child does not survive, to her legal representative.

22. Forfeiture of maternity benefit.—If a woman works in any establishment after she has been permitted by her employer to absent herself under the provision of section 27, she shall forfeit her claim to the payment of the maternity benefit to which she is entitled.

23. Muster Roll.—The Employer of every establishment in which women are employed shall prepare and maintain a muster roll and shall enter the following particulars in such muster roll, namely:—

- (a) Name of Woman.
- (b) Department in which employed and name of the Establishment.
- (c) Dates with month and year on which employed and not employed.
- (d) Total days employed in the payment period.
- (e) Date on which the woman gives notice under section 25 of the Act.
- (f) Date of birth of child.
- (g) Date of production of a certificate signed by a registered medical practitioner certifying that the woman is expected to be confined within six weeks.
- (h) Date of production of certified extract from birth register.
- (i) Date of first payment of maternity benefit and amount of the same.
- (j) Date of subsequent payments of maternity benefit and amounts of the same.

(k) If the woman dies, amount of maternity benefit paid and date of payment and the names of persons to whom paid.

(l) Remarks column for the use of Inspector only.

All entries in the muster roll shall be maintained up-to-date and shall always be available for inspection by the Inspector.

The employer may enter in the muster roll such other particulars as may be required by the Inspector for any other purpose.

24. A copy of the notice of discharge from service given by the employer shall be forwarded to the Inspector concerned not less than twenty one days before the date of discharge.

25. **Manner of examination of premises etc.**—(1) Inspector, making an examination under section 32, shall make such examination of premises and of the registers, records and notices as may appear to him necessary for satisfying himself that the provisions of the Act, and the rules and of any orders or notifications issued thereunder are being properly observed.

(2) For carrying out such examination, the Inspector concerned may interrogate such persons on the premises of the Shop or Commercial Establishment, as he may consider necessary:

Provided that no such person shall be required under this rule to give an answer to any question the answer to which might tend to incriminate him.

(3) An Inspector concerned may require an employer to produce at his own expenses a certificate of age in Form '10' from a registered medical practitioner in respect of any employee whose age he may have reason to doubt.

26. **Maintenance of registers and records and display of notices.**—(1) Every employer shall maintain a register of employment in Form '11' provided that where the opening and closing hours are ordinarily uniform the employer may maintain such register in Form '12'.

(2) Notwithstanding anything contained in sub-rule (1) an employer may, instead of maintaining a register as provided in the said sub-rule, exhibit in his establishment a notice specifying the daily hours to be worked by and intervals for rest and meals to be allowed to the persons employed. The notice shall be in Form '13' and shall be exhibited not later than the closing hour on the Saturday immediately preceeding the first week in which the hours of work shall be as specified in such notice. It shall continue to be exhibited so long as the hours of work specified in it are observed.

(3) Where an employer has exhibited the notice referred to in sub-rule (2) he shall keep a record of hours of work in Form '13A'.

(4) Every employer shall exhibit in his establishment a notice in Form '14' specifying the day or days of the week on which the persons employed by him shall be given holiday. The notice shall be exhibited before the persons to whom it relates cease work on the Saturday immediately preceeding the first week during which it is to have effect.

(5) Every employer shall exhibit in his Establishment a notice containing such extracts of the Act and these Rules in English and in Hindi as the Local Authority or Government may direct.

(6) Any notice required to be exhibited under these rules shall be exhibited in such a manner that it can be readily seen and read by any person to whom it affects and shall be renewed whenever it becomes defaced or otherwise cease to be clearly legible.

(7) In any register or record which an employer is required to maintain under these rules the entries relating to any day shall be made on the same day.

(8) The registers, records and notices relating to any calander year shall be preserved till the end of the next calander year.

(9) If on an application made by an employer in writing, the Local Authority or Government, as the case may be is satisfied that any muster roll, register or record maintained by such employer gives in respect of all or any of the persons employed in his Establishment the particulars required to be shown in any register,

record or notice prescribed under this rule, the local Authority or Government as the case may be, may by order in writing direct that such muster roll, register or record shall to the corresponding extent be maintained in place of such register, record or notice, as the case may be.

9. (a) Save as otherwise prescribed in sub-rule 5, all registers, records, muster rolls and notices required to be maintained exhibited or given under the rule shall be either in English or Hindi.

(10) Every employer shall maintain a visit book in which an Inspector visiting the Establishment may record his remarks regarding any defects that may come to light at the time of his inspection and shall produce at whenever required to do so by an Inspector.

27. Cleanliness.—(1) (a) In every establishment, all the inside walls of the rooms and all the ceiling and tops of such rooms (whether such walls ceilings and tops be plastered or not) and all the passages and stair-cases shall be lime-washed or colour-washed at least once in two years dating from the time when they were last lime-washed or colour-washed, and shall be maintained in a clean state.

(b) All beams, rafters, doors, window-frames and other wood-work with the exception of boors, shall be painted at least one in four years dating from the period when last painted and shall be kept in a clean state:

Provided that provisions of this rule shall not apply to:—

- (i) rooms used only for the storage of articles;
- (ii) walls or tops of rooms which are made of galvanised iron-sheets, tiles, asbestos sheets or similar material or glazed bricks;
- (iii) ceiling of rooms in which the lowest part is at least 20 feet from the floor;
- (iv) any other establishment or parts thereof in which lime-washing colour-washing or painting is, in the opinion of the Inspector, unnecessary to satisfy the requirements of section 42 in regard to cleanliness.

(2) No rubbish, filth, debris shall be allowed to accumulate or to remain on any premises in an Establishment in such position that effluvia therefrom can arise within the Establishment. All filth and other decomposing mater shall be kept in covered receptacles.

(3) The area around the place where drinking water is distributed to the employees shall be kept clean and properly drained.

28. Precautions against fire.—No person shall smoke or use a naked light or cause or permit any such light to be used in the immediate vicinity of any inflammable material in any establishment.

29. Any person contravening any of the provisions of Rules, shall on conviction, be punishable with fine which may extend to Rs. 50/-.

FORM I—“1”

(See Rule 3)

Statement under Section 4

“PART I”

1. Name of the establishment, if any.
2. Postal address of the establishment.
3. Full name of the occupier or the employer.
4. Full name of the Manager, if any.
5. Category of the establishment, i.e., whether a shop, commercial establishment, residential hotel, restaurant, eating house, theatre or other place of public amusement or entertainment.
6. Nature of business.

"PART II"

7. Names of members of employer's family, working in the establishment ; state separately the names of young persons, if any.
8. Names of other persons occupying position of management or employees engaged in confidential capacity.
9. Total number of employees (state separately the number of men, women and/or young persons if any).
10. Rates of wages including Dearness Allowance paid to different categories of employees. (Information in this respect may be submitted separately and marked confidential if so desired).

Men Women Young persons.

Serial No.	Name of occupation	No. of employees in the occupation	Rates of wages	
			Minimum	Maximum

Dated

Signature of the occupier/employer.

NOTE.—This statement shall be sent to the Inspector with such fees, as are prescribed in sub-rule (2) of Rule 4.

Received from _____ Form 'r' with Challan No.

Signature.

FORM '2'
(See Rule 4)
Register of Establishments

Part I—Shops.
Part II—Commercial Establishments.
Part III—Residential Hotels.
Part IV—Restaurants and Eating Houses.
Part V—Theaters and other places of public Amusement or entertainments.

Serial No.	Registra- tion certificate	Name of the Manager, if any	Name of occupier/ employer	Postal address of the establish- ment	Name of the establishment if any	Nature of busi- ness	Number of members of employer's family			Number of other persons occupying position of manage- ment or employees engaged in confidential capacity	Total Number of employees			Date of inspec- tion
							Male	Female	Young persons		Adults		Young per- sons	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15

FORM '3'

(See Rule 4)

Ajmer Shops & Commercial Establishments Act, 1956.

Registration Certificate of establishment.

Name of the establishment, if any.

Name of the occupier/employer.

Postal address of the establishment.

Registration No.

It is hereby certified that the establishment as mentioned herein has been registered as a
 under the Ajmer Shops & Commercial Establishments Act, 1956. this Day of

Seal

Inspector, Shops & Commercial Establishments Act, 1956.

*Here insert the category of the establishment.

Renewals

Date of Renewal	From	To	Signature of the Inspector of Shops & Commercial Establishments with seal.
1.			
2.			
3.			
1	2	3	4

FORM '4'

(See Rule 5)

Notice of Change

1. Name of the establishment and/or name of occupier/employer.

Full address.

3. Registration Certificate No.

To

Dated the Date or 19

The Inspector, under the Ajmer Shops & Commercial Establishment Act, 1956.

Notice is hereby given that the following change has taken place in respect of information relating to Part I Form '1' which please note.

Signature of the occupier/employer.

NOTICE.—Notice of change in this form shall be sent together with such fees as are prescribed in Rule 5(2).

FORM '5'

(See Rule 6)

Renewal of Registration Certificate.

Category of Establishment
Total number of existing employees

Name of Establishment
Postal Address.

To

The Inspector of Shops & Commercial Establishments (Name of Place.)

As the period of the registration Certificate No.....originally granted/subsequently renewed is due to expire on.....or has already expired on..... I have to request for its renewal

(Signature of the occupier/employer).

Dated :

NOTE.—The application shall be sent along with such renewal fee as is prescribed in sub-rule of (2) Rule 4.

FORM '6'

(Rule 12)

Notice is hereby given that the State Government proposes to pass an order under sub-section (1) of section 11 of the Ajmer Shops and Commercial Establishments Act, 1956 that with effect from.....No. Shops/Commercial Establishment situated in..... Shall be opened on any day earlier than.....and/or shall be closed on any day later than.....

Any person wishing to make any objection or suggestion with respect to the above order shall send in writing to the Labour Commissioner before the.....Day of 1956.

Dated this.....day of.....1956.

Secretary.

FORM '7'

(See Rule 13)

Notice of close day or a change in close day.

To

The Inspector,
Shops & Commercial Establishment Act, 1956.
(Name of Place)

Name of the Establishment.....

Address.....

*Registration Certificate No.

Notice is hereby given that with effect from.....the establishment shall observeas the close day.

Date

Signature of occupier/employer.

*This shall apply in the case of notice for change in close day.

FORM '8'

(Rule 14)

Register of Leave with Wages

Name of employee.....

Father's Name

Occupation

Date of Employment.....

S. No. in the Register of Adult Child Workers	Ordinary Leave							Casual Leave						
	Interruptions					Leave due with effect from	Date from which the worker is allowed leave	Discharged worker		Date of appli- cation	Whether applica- tion granted or refused	Date on which availed		Balance due
	Sickness & accident	Authorised Leave	Lockout or legal strike	Involun- tary unemploy- ment	Others			Date of dis- charge	Date and amount of pay- ment made in lieu of leave due			from	to	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15

Signature of Employer

FORM '9'

(Rule 15)

Leave Book

(Shall be the same as "Register of Leave with Wages" (Form '8'), but shall be made out separately for each worker on a thick bound sheet).

FORM '10'

(Rule 25)

Form of Certificate

I hereby certify that I have personally examined (name).....son/daughter of.....
(caste etc.....residing at.....and that he/she has completed his/her twelfth/seven tenth year
His/her description marks are

Medical Practitioner

Date.....

FORM '11'
(Rule 26)
Register of Employment

MONTH _____ YEAR _____

Name of persons employed	Whether young person or not	Days of month					Total hours worked during the month	*Days on which overtime work is done and extent of such overtime on each day	Extent of overtime worked during the month	Extent of overtime worked previously during the year	
		1	2	3							
		Time at which employment commences	Time at which employment ceases	Rest interval							
1	2	3	4	5	6	7	8	9	10	11	

NOTE.—The mark "H" shall be made in the column relating to any day on which a holiday is given in accordance with the notice referred to in Rule 13.
*This column need not be filled by Commercial Establishments.

FORM 'I2'

(Rule 26).

Where opening and closing hours are ordinarily uniform.

Names of persons employed	Whether young person or not	Time at which employment commences	Time at which employment ceases	Rest interval	Hours worked on										Total hours worked during the month	*Days on which overtime work is done and extent of overtime on each occasion	Extent of overtime worked during the month	Extent of overtime worked previously during the year
					1	2	3	4	5	6	7	8	9	10				
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19

OTE.—The mark "H" shall be made in the column relating to any day on which a holiday is given in accordance with the notice referred to in Rule 13.

*This column need not be filled by commercial establishments.

FORM '13'

(Rule 26).

Notice

Daily periods of work of persons employed commencing.....19

Name of Employer
or EstablishmentDescription of Department
(if applicable).

Name of persons employed.	Whether young person or not	Day		
		Employ- ment to commence	Intervals for meals and rest	Employ- ment to cease
1	2	3	4	5

(Signed)

(Employer).

Date.

- NOTES.— 1. This notice must be exhibited not later than the closing hour on the Saturday preceeding the first week in which it is to take effect, and must continue to be exhibited while it is in force, in such a manner that it may be readily seen and read by any person whom it affect.
2. The hours to be specified in this notice shall be the hours to be worked exclusive of overtime.
3. The entries under the heading "Intervals for meals rest" shall be the actual times at which the intervals are to begin and end (e.g. 1 P.M. to 2 P.M.)

FORM "13 A"

(Rule 26)

Record of Hours of Work of Persons Employed.

(To be used only when Notice in Form "13" is exhibited).

Description of Department.
(if applicable).

Month.....Year.

Names of persons employed	Whether young person or not	Total hours worked during the month	*Days on which overtime work is done and extent of such overtime on each occasion.	Extent of overtime worked during the month	Extent of overtime worked previously during the month
------------------------------	--------------------------------------	---	--	--	--

*This column need not be filled by commercial establishments.

NOTE.—Entries relating to any day must be made on that day.

FORM '14'

(Rule 26)

Record of hours of work of persons employed.)

(To be used only when Notice in Form '13' is exhibited).

Description of Department. (if applicable).

Month.....Year.

Name of persons	Whether young person or not	Total hours worked during the month	*Days on which overtime work is done and extent of such overtime on each occasion	Extent of overtime worked during the month	Extent of overtime worked previously during the year
1	2	3	4	5	6

*This column need not be filled by commercial establishments.

NOTE.—Entries relating to any day must be made on that day.

[No. 27/1/56-LAB.]

By order.

(N. M. KOTHARI)

Dy. Secretary.

